

Appl. No. 10/723,053  
Amdt. dated December 6, 2005  
Reply to Office Action of September 6, 2005

### R E M A R K S

Applicants have received and carefully reviewed the Office Action of the Examiner mailed September 6, 2005. Claims 21, 24, 27, 34 and 35 have been amended, claim 23 has been canceled, and new claim 41 has been added. Claims 21, 22 and 24-41 remain pending. Support for the amendments and new claim can be found in the specification, claims, and drawings as originally filed. No new matter had been added. Reconsideration and reexamination are respectfully requested.

#### **Double Patenting**

Claims 21-40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14, 18-27 of U.S. Patent No. 6,096,009. Claims 27-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,663,597.

Applicants do not concede the correctness of the rejections. However, in the interest of furthering prosecution, Applicants submit herewith a Terminal Disclaimer.

#### **Rejection under 35 U.S.C. § 102(b)**

Claims 21-25 and 35-40 are rejected as being anticipated by Mitchell et al. (U.S. 561,059). Applicants respectfully traverse the rejection. Independent claim 21, as amended, recites a medical system including a locking device in which the proximal portion includes at least first and second securing elements for releasably securing the elongate medical device and an additional elongate medical device to the locking member. Mitchell et al. do not teach or suggest such a system.

Independent claim 35, as amended, recites a locking device in which the proximal portion of the body member extends from the distal portion at an angle such that the attaching means and the securing means are on different axes. Mitchell et al. do not teach or suggest such a locking device.

Mitchell et al. do not teach or suggest each and every element of independent claims 21 and 35, or the claims dependent thereon, and thus cannot be deemed to anticipate the claims. Reconsideration and withdrawal of the rejection are respectfully requested.

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Claims 21-25, 27-30 and 34-40 are rejected as being clearly anticipated by Ferrara (U.S. 4,995,872). Applicants respectfully traverse the rejection. Independent claim 21, as amended, recites a medical system including a locking device in which the proximal portion includes at least first and second securing elements for releasably securing the elongate medical device and an additional elongate medical device to the locking member. Ferrara does not teach or suggest such a system.

Independent claim 27, as amended, recites a medical system in which a locking device includes at least one means for securing the elongate medical device configured such that the elongate medical device is moved laterally into and out of the securing means while the locking device is attached to the endoscope. Ferrara does not teach or suggest such a system.

Independent claim 35, as amended, recites a locking device in which the proximal portion of the body member extends from the distal portion at an angle such that the attaching means and the securing means are on different axes. Ferrara does not teach or suggest such a locking device.

Ferrara does not teach or suggest each and every element of the inventions of independent claims 21, 27 or 35, or the claims dependent thereon, and thus cannot be deemed to anticipate the claims. Reconsideration and withdrawal of the rejections are respectfully requested.

#### Rejection under 35 U.S.C. § 103

Claims 26 and 31-33 are rejected as being unpatentable over Ferrara. The Examiner asserts that it would have been obvious to lengthen the cytoscope bridge of Ferrara and insert a guidewire. Applicants respectfully disagree.

As stated above, Ferrara fails to teach the basic elements of the systems of independent claims 21 and 27. Additionally, Ferrara does not provide any motivation, suggestion, or guidance for one of ordinary skill in the art to modify her device to achieve the claimed system.

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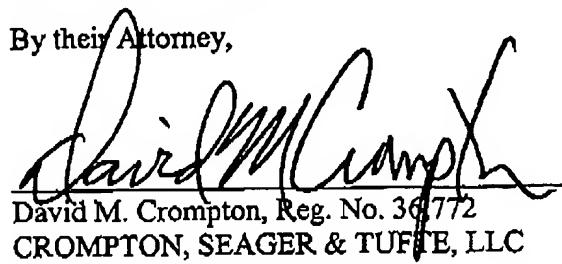
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Jim Windheuser et al.

By their Attorney,

Date: 12/6/05

  
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